

PHILLIP A. TALBERT
United States Attorney
AARON D. PENNEKAMP
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN HAMPTON,

Defendant.

CASE NO. 2:21-CR-00104-TLN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: May 12, 2022
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status of counsel hearing on May 12, 2022.
2. Since that order issued, the undersigned defense counsel has been newly appointed to represent the defendant in this matter. *See* Dkt. No. 170 (order appointing Kelly Babineau to represent the defendant as of 5/6/22).
3. By this stipulation, defendant now moves to convert the status of counsel hearing to a status conference, to continue the status conference until **August 18, 2022, at 9:30 a.m.**, and to exclude time between May 12, 2022, and August 18, 2022, under Local Codes T2 (complexity of the case) and T4 (to allow defense counsel time to prepare). Time has previously been excluded in this case under both Local Codes T2 and T4.

1 4. The parties agree and stipulate, and request that the Court find the following:

2 a) The United States initially provided discovery, including: pdf reports, voluminous
3 recorded phone conversations, GPS data, toll records, photographs, videos, and other discovery
4 to the defense. Because of the volume of discovery produced by the government and in
5 anticipation of additional discovery being provided by the government, previous defense counsel
6 sought the appointment of Coordinating Discovery Attorney (CDA) John C. Ellis. The Court
7 signed the order appointing the CDA and Mr. Ellis reports the discovery now amounts to
8 approximately thirty-four gigabytes of data, and consists of 4,313 pages of PDF documents,
9 more than eight hours of video footage, and wiretap data from two target telephone lines. The
10 wiretap data from two target telephones includes an additional forty-eight hours of audio
11 recordings, 4,636 document files, 4,855 Google Earth location data files, and line sheets. This
12 discovery was provided to most defense counsel on, or about, November 1, 2021. (However,
13 defendant Charles Carter was arraigned on February 23, 2022, and discovery was provided to his
14 counsel shortly thereafter.)

15 b) The defendant in this case requested the appointment of new counsel at a hearing
16 on April 28, 2022, and this Court allowed defendant's previous counsel to withdraw. The
17 undersigned counsel was appointed to represent the defendant in this case on May 6, 2022. Now
18 that new defense counsel has been appointed, she will be able to access the previously described
19 discovery through the Court appointed CDA.

20 c) The undersigned defense counsel further avers that she is currently in a homicide
21 trial in Nevada County, which may not conclude before the previously scheduled May 12, 2022
22 status of counsel hearing.

23 d) The defendant's co-defendants in this case are currently scheduled to appear for a
24 status conference on August 18, 2022, and—as to those defendants—time has been excluded
25 from the Speedy Trial Act calculations through that date. *See* Dkt. No. 159.

26 e) Counsel for defendant desires additional time consult with her client, to review
27 the current charges, to conduct investigation and research related to the charges, to discuss
28 potential resolutions with her client, to review the above-described discovery, and to otherwise

1 prepare for trial.

2 f) Counsel for defendant believes that failure to grant the above-requested
3 continuance would deny her the reasonable time necessary for effective preparation, taking into
4 account the exercise of due diligence.

5 g) The government does not object to the continuance.

6 h) Based on the above-stated findings, the ends of justice served by continuing the
7 case as requested outweigh the interest of the public and the defendant in a trial within the
8 original date prescribed by the Speedy Trial Act.

9 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
10 et seq., within which trial must commence, the time period of May 12, 2022 to August 18, 2022,
11 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
12 because it results from a continuance granted by the Court at defendant's request on the basis of
13 the Court's finding that the ends of justice served by taking such action outweigh the best interest
14 of the public and the defendant in a speedy trial.

15 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
16 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
17 must commence.

18 IT IS SO STIPULATED.

19
20 Dated: May 6, 2022

PHILLIP A. TALBERT
United States Attorney

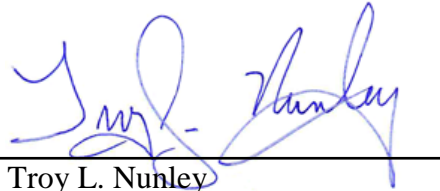
21 /s/ AARON D. PENNEKAMP
22 AARON D. PENNEKAMP
Assistant United States Attorney

23
24 Dated: May 6, 2022

/s/ KELLY BABINEAU
25 KELLY BABINEAU
Counsel for Defendant
26 Steven Hampton
27
28

ORDER

IT IS SO FOUND AND ORDERED this 6th day of May, 2022.



Troy L. Nunley
United States District Judge